

REMARKS

Reconsideration is respectfully requested, for the rejection of the claims as anticipated by DeJONGE U.S. Patent No. 5,503,302.

Claim 1 has been amended to include the features of claim 5 and to indicate that the container comprises a neck which is received with a press fit into a housing of the device, the outside diameter of the neck being initially larger than the inside diameter of the housing as mentioned on page 4, third paragraph of the patent application.

Furthermore, claim 5 has been deleted.

Amended claim 1 is new and non-obvious in view of the cited documents and particularly in view of DeJONGE. In DeJONGE the container 41 is not held relative to the pumping device with a press fit, but by screwing the lower housing 5 in the upper housing (see column 3, lines 36-39).

In OPPERMANN, the container 2 is held relative to the pumping device by a pump holder 8 which is mounted for axial sliding movement on the neck 9 of the housing 1 (see column 2, lines 58-61).

In REVENU, the glass container 20 has a neck 23 which has an external flange 26 which is configured to interact by snap connection with two diametrically opposite skirt portions 27, 28 supported by the shoulder 6 of casing 2 in order to hold the container 20 relative to the pumping device (see column 4, lines

46-50). During snapping, the skirt portions 27, 28 are moved and the diameter of the neck 23 is not reduced.

Therefore, claim 1 is new in view of the cited documents.

The container being held with a press fit relative to the pumping device, the perfume dispenser is particularly easy to manufacture and easy to use and to refill.

During the refilling of the dispenser, the case 4 can be removed from the pumping device without the risk that the container 3 falls out of the case 4. In DeJONGE and OPPERMANN such a risk exists since the container is not held relative to the pumping device but is held by the case surrounding the container.

The skilled person would not combine the teaching of REVENU with DeJONGE or OPPERMANN since the container in REVENU is made of glass and not of plastic materials. Therefore, the outside diameter of the neck of the container disclosed in REVENU cannot be larger than the inside diameter of the housing in which it is received and cannot be deformed in order to hold the container with a press fit relative to the pumping device. Indeed, such a deformation would break the container of REVENU.

Therefore, none of the cited documents teaches to the skilled person to use a container comprising a neck which is received with a press fit in the housing of the pumping device in order to hold the container relative to the pumping device.

Amended claim 1 is therefore non-obvious in view of the cited documents.

As the claims as amended clearly bring out these distinctions with ample particularity, it is believed that they are all patentable, and reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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